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Paper No. 5

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**OCT 09 2001**

**OFFICE OF PETITIONS**

In re Application of  
Sohrab Mansouri  
Application No. 09/871,885  
Filed: May 31, 2001  
Attorney Docket No. INL-052( 4643/  
94)

:  
: DECISION GRANTING  
: PETITION  
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This is a decision on the petition under 37 CFR 1.10(c) filed September 4, 2001, requesting that the above-identified application be accorded a filing date of May 31, 2001, rather than the presently accorded filing date of June 1, 2001.

petitioners allege that the application was deposited in "Express Mail" service with the U.S. Postal Service, on May 31, 2001. In support, petitioners provided a copy of the Express Mail label, receipt no. EL816799015US, showing a Date-In of May 31, 2001. The same Express Mail receipt number was referred to in the copy of the original transmittal letter found in the present application. Petitioners request that the application be accorded a filing date of May 31, 2001.


The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on May 31, 2001.

The petition is granted.

Receipt is acknowledged of the declaration filed August 31, 2001, in response to the Notice mailed August 1, 2001.

The application is being returned to Initial Patent Examination Division for further processing using the declaration filed August 31, 2001 and for correction of the filing date to May 31, 2001.

Telephone inquiries specific to this matter should be directed to  
Wan Laymon at (703) 306-5685.

  
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Office of the Deputy Commissioner  
for Patent Examination Policy